

REMARKS

Applicants are amending claim 1 in order to specify the features of the filter used in the sampling member which is inserted into the closed space for sampling the air contained inside said closed space.

This amendment is supported by the specification as originally filed on page 5, line 36 to page 6, line 3 and particularly on page 9, lines 16 to 27.

Claim 10 has been slightly modified in order to be coherently depending on amended claim 1.

Applicants have amended the claims in the expectation that the amendments will place this application in condition for allowance.

The amendments do not introduce new subject-matter within the meaning of 35 U.S.C. § 132.

Claim rejections – 35 USC § 102- Lack of novelty

Claims 1-3, 5-10 and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 169 057 (EP '057). Applicants traverse this rejection and request reconsideration thereof.

Whereas EP '057 discloses to use a collector 62 which is a rolled coil 70 of wire mesh as shown in Fig. 10, the method of the present invention is carried out with a filter-forming element supported on a central element in the form of a hollow tube but closed at one end. As shown by way of example only in Figs. 1 and 2 of the subject application, filter-forming element 34 is supported on a central element 36 which is closed at one end 37.

Therefore, amended claim 1 and the claims dependent thereon is novel over EP '057.

Claim rejections – 35 USC § 103- Unobviousness

The Examiner rejected claims 4 and 11-14 under 35 U.S.C. 103(a) as being unpatentable over EP '057 in view of Jenkins et al. (UPN 6,642,513). Applicants traverse this objection and request reconsideration thereof.

Applicants agree with the Examiner's comments on page 3 of the office action that EP '057 teaches a method for detecting contraband substances but does not teach a filter that comprises a woven fabric, a non-woven fabric, or a fabric that is made from plastic.

Furthermore, EP '057 neither discloses nor suggests the use of a filter-forming element supported on a central element which is closed at one end.

Jenkins only teaches to use flat filters. See the sample traps 22 and 24 on Figures 2 to 5.

The filter-forming element supported on a central element which is closed at one end is therefore neither disclosed nor obvious from EP '057 and Jenkins taken alone or in combination.

Accordingly, there is a significant technical difference in the filter structure. Sucking in the air through the filter of the present invention clearly differs from the one of EP '057 and/or the one of Jenkins et al. Whereas the sucking in of air of the present invention comes from the exterior of the filter because of the presence of the central element 36 closed at one end 37, the air stream 71 of EP '057 (see Fig. 10) comes from the inside of the filter.

In view of the foregoing remarks, it is clear that the present invention is unobvious over the prior art.

CONCLUSION

Based upon the above remarks, the presently claimed subject-matter is believed to be novel and non-obvious over the prior art. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections raised under 35 USC § 102 and 35 USC § 103. This application is believed to be in condition for allowance and issuance of a notice of allowance is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to deposit Account No. 01-2135 (935.43189X00) and please credit any excess fees to such deposit Account.

Respectfully submitted,

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